HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 813 of 2006

1. Anand Sharma s/o Sri Janki Dass
2. Rajendnra Sharma s/o Sri Janki Dass
   Both residents of Pahadganj, P.s. Rudrapur.
   District U.S. Nagar

..Applicants

Versus

1. State of Uttaranchal
2. Jamshed Ali s/o Sri Salim r/o Pahadganj, P.S. Rudrapur, District U.S. Nagar

.....Opp. Party

Dated: 28.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri S.K. Mandal counsel for the applicants and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicants have challenged the criminal proceedings against the applicants in Case No. 2 of 2006, Jamshed vs. Anand Sharma and another under section 147, 148, 149, 324, 504, 506 I.P.C. pending in the Court of Judicial Magistrate, Rudrapur.

According to the applicants, complainant no. 2 filed a complaint before the Judicial Magistrate, Rudrapur being Complaint case No. 2 of 2006. After recording statements of the witnesses under sections 200 and 202 Cr.P.C. the Judicial Magistrate issued summons to the applicants under section 147, 148, 149, 324, 504 and 506 I.P.C. against which the present application under section 482 Cr.P.C. has been filed by the accused applicants.

So far as the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as both the parties will be at liberty to lead the evidence in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. Vs. Biological E. Ltd. and others (2003) 3 SCC 269.

Since the trial has to take place for the offences under aforesaid sections, therefore, without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned the court shall permit them to file appearance bonds to the satisfaction of the Magistrate concerned for their regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

Rajesh Tandon, J.

Dated: 28.11.2006
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